

**VILLAGE OF JOHNSBURG  
OCTOBER 6, 2020 REGULAR MEETING  
OF THE PRESIDENT AND BOARD OF TRUSTEES**

President Edwin Hettermann called the meeting to order at 7:00 p.m. in the Village Hall.

Attendees

Trustee Greg Klemstein  
Trustee McEvoy  
Trustee Josh Hagen  
Trustee Tom Curry  
Trustee Frost  
Trustee Beth Foreman  
Attorney Michael Smoron  
Police Chief Keith VonAllmen  
Special Project Coordinator Rick Quinn  
Assistant Administrator Vinny Lamontagna  
Officer Jason Greenwald

**AUDIENCE PARTICIPATION** – Cheryl Markunas attended to discuss the limitation on making a left turn at the intersection of Johnsburg Road and Riverside Drive. She further questioned if the Village is enforcing the requirement for boat launch stickers as property owners adjacent to the launch have noted many vehicles with Wisconsin plates utilizing the launch with no sticker. President Hettermann confirmed that the Village does enforce the requirement and stated that he would raise the concern to the police department to insure enforcement takes place.

**OMNIBUS AGENDA** – Trustee McEvoy moved to approve the Omnibus Agenda. Trustee Hagen seconded the motion. All Trustees present voted aye on the roll. Motion carried.

- Move to approve the minutes of the September 15, 2020 Regular Meeting of the President and Board of Trustees and the September 29, 2020 Special Meeting of the President and Board of Trustees
- Move to accept the proposal from Platinum Terrain, LLC in the amount of \$72,374.08 for the construction of lower pressure sanitary sewer on Middle Avenue and Stubby Avenue.

Disbursements

|                          |               |
|--------------------------|---------------|
| General Fund             | \$ 258,364.39 |
| Land and Building        | \$            |
| Waterworks & Sewage Fund | \$ 11,541.54  |
| Golf Course              | \$            |
| Debt Service/SSA Fund    | \$            |
| Total All Funds          | \$ 269,905.93 |

**PRESIDENT’S REPORT** – President Hettermann appointed Cheryl Markunas to Ordinance Committee and informed the Board that Sunnyside Tavern is organizing a Trunk or Treat event for which they are incorporating all of the social distancing requirements set forth by State. He explained that they will be using the Village’s field at the corner of Johnsburg Road and Channel Beach Avenue for the event.

**RINGWOOD ROAD CULVERT REPAIR** – Trustee Foreman moved to accept the bid from Platinum Terrain in the amount of \$76,474.03 for the culvert repair on Ringwood Road. Trustee Curry seconded the motion. All Trustees present voted aye on the roll. Motion carried.

**ORDINANCE 20-21-15 SHORT TERM RENTAL ORDINANCE** – The Board discussed Ordinance 20-21-15 Amending Section 16, Conditional Uses and Section 16, Table 1 Conditional Use Chart to Add Short Term Rentals as well as Section 3, Definitions of the Johnsburg Zoning Ordinance. President Hettermann suggested that in light of the concerns raised, the Board consider limiting the activity to the B-1, B-2 and B-5 Zoning Districts as a conditional use, but allow either the owner or manager to reside within 15 miles of the short term rental property. Trustee Foreman questioned the difference in the fine stated in Section 16.7 compared with Section 16.8-8. Trustee Frost pointed out that the \$750 fine reflected in Section 16.7 relates to earlier sections of the ordinance. Attorney Smoron explained that the \$1000 fine reflected in 16.8-8 applies to short term rentals and seems more appropriate given the seriousness of the potential violations. Trustee Foreman expressed concern with allowing the use in the residential districts. Attorney Smoron explained that the Board could choose to articulate that it is not permitted in any residential zoning district.

Trustee Frost questioned the language requiring evidence of residing at the property for 275 days. Attorney Smoron explained that the evidence would need to be produced at the time of the application for a conditional use permit and the burden is placed upon the owner to demonstrate that they have met the requirement. Trustee Frost questioned the penalty for violating Section 16.8-4 (D) related to quiet hours. Attorney Smoron explained that a violation of the Section would be covered under the 16.8-8. Trustee Frost questioned the consequences of violating Section 16.8-4 (E) which requires the owner or manager to respond at the property within one hour. Attorney Smoron explained that the violation would also be subject to 16.8-8. Trustee Frost questioned enforcement of the parking limitations. Attorney Smoron explained that the limitations would be established during the conditional use process based upon site specific limitations. President Hettermann pointed out the limited parking accommodations for many residential properties along the water which is another reason to limit the activity to business districts.

Trustee Klemstein remarked about statutes that require the licensing of property managers. Trustee Foreman questioned the requirement of posting personal phone numbers for the manager and owner on the Village's website. Village Administrator Sofiakis explained that Commission expressed that they felt it appropriate to post the numbers to provide access by adjacent property owner to managers and owners should an issue arise. She added that they also felt that it would help identify properties available for short term rental for persons interested in renting. Trustee Hagen pointed out that in operating a short term rental you are conducting a business and therefore need to make yourself available.

Trustee McEvoy expressed concern with the activity and its potential impact on adjacent residential areas. He remarked that he lives on the river and both of his adjacent property owners utilize their property as their weekend home. He explained that he experiences very disruptive activity late into the night from one of the owners and he does not want to put that burden on another resident.

Trustee Curry questioned if any concerns were raised by property owners adjacent to business zoned parcels. Trustee Foreman pointed out that property owners of business zoned properties would still need to go through the conditional use process and notify adjacent property owners. Trustee Hagen expressed agreement with limiting the scope of the activity and suggested that the Village may want to set a specified time to revisit the matter to see if the ordinance is effective. Attorney Smoron explained that any future change to the regulations would require notice of a text amendment and since applicants will have to go through the conditional use process, the Board will be able to monitor the activity to determine the ordinance's effectiveness.

Trustee Hagen moved to approve Ordinance 20-21-15 Amending Section 16, Conditional Uses, and Section 16 Table 1 Conditional Use Chart, to Add Short Term Rentals as well as Section 3, Definitions, of the Johnsburg Zoning Ordinances incorporating changes to prohibit the activity in residential zoning districts; limiting the activity to the B-1, B-2 and B-5 zoning districts, and allowing for the owner or manager to be located within 15 miles of the property. Trustee Frost seconded the motion. Motion carried with Trustees Foreman, Curry, Frost, Hagen and Klemstein voting aye and Trustee McEvoy voting no.

**RECESS FOR CLOSED SESSION** - Trustee Curry moved to recess the meeting to go into closed session for pending litigation purposes. Trustee Frost seconded the motion. All Trustees voted aye. Motion carried at 7:33 p.m.

**RETURN TO REGULAR SESSION** - Trustee Curry moved to return to regular session. Trustee Foreman seconded the motion. All Trustees voted aye on the roll. Motion carried at 7:58 p.m.

**COMMITTEE REPORTS** - Trustee Foreman reported that the Community Affairs Committee recommends pursuing the holiday parade only at this point and will further consider additional holiday activities at their next meeting. She reported that cleanup of the pond property is scheduled for the coming weekend.

**ADJOURNMENT** - Trustee Foreman moved to adjourn the meeting. Trustee Curry seconded the motion. All Trustees voted aye. Motion to adjourn was carried at 8:08 p.m.

*Respectfully Submitted*

*Claudett Sofiakis  
Village Administrator*